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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,) Case No. 2:04-cr-01189-CAS
12)
13 Plaintiff,)
14 v.) **ORDER**
15 GABRIEL GONZALEZ,)
16 Defendant.)
17

18 On April 15, 2020, defendant Gabriel Gonzalez (“Gonzalez”), acting *pro se*, filed a
19 motion seeking compassionate release pursuant to 18 U.S.C. § 3582 or, in the alternative,
20 home confinement pursuant to the CARES Act of 2020. Dkt. 202. On August 6, 2020,
21 this Court issued an order denying Gonzalez’s motion for reduction of sentence without
22 prejudice. Dkt. 217. (“Order”).

23 Presently before the Court is Gonzalez’s “Motion for Appointment of Counsel,”
24 which Gonzalez filed on September 9, 2020. Dkt. 224 (“Mot.”). Gonzalez requests that the
25 Court appoint counsel in this matter because “has recently experienced a rash of
26 unexplained interference with his legal mail filings to this [C]ourt,” due to the complexity
27 of his case, and due to difficulties he has encountered related to the prison’s handling of
28 COVID-19. Mot.

1 In addition to the motion for appointment of counsel, the Court is currently in receipt
2 of the following filings by Gonzalez that post-date the Court's August 6, 2020 order, each
3 of which he appears to allege were delayed due to the "interference with his legal mail
4 filings," Mot.: (a) a motion to allow filing of a supplemental reply, filed August 24, 2020;
5 dkt. 218; (b) a supplemental reply motion, filed August 24, 2020; dkt. 220; (c) objections
6 to the Court's August 6, 2020 order, filed August 25, 2020; dkt. 219; (d) a motion to seal
7 proceedings, filed August 27, 2020; dkt. 221; (e) a motion for emergency protective order
8 regarding a certain prescription medication, filed August 31, 2020; dkt. 222; and (f) a
9 "reply to government's medical record inquiry," filed September 9, 2020. The majority of
10 these additional filings were first postmarked in July or August 2020 but were returned to
11 Gonzalez as undeliverable.

12 Gonzalez asserts that appointment of counsel is warranted to allow him to "fairly
13 present his case without obstruction or delay" and contends that "obstruction" by prison
14 officials "coincide[s] with the timing of this [C]ourt's order for discovery into Gonzalez'
15 prison medical records" and has impacted his ability to file "approximately half-a-dozen
16 pleadings and sets of exhibits." Mot. The Court is not obligated to appoint counsel for
17 Gonzalez to provide general assistance in connection with his efforts to obtain post-
18 conviction relief. See e.g. Garza v. Idaho, 139 S. Ct. 738, 749, 203 L. Ed. 2d 77 (2019)
19 ("There is no right to counsel in postconviction proceedings."). Nor has Gonzalez raised
20 any facts that render appointment of counsel appropriate at this time. Here, a review of the
21 record indicates that Gonzalez's filings were returned to him as undeliverable because they
22 were not directed to the correct address for filings via mail.¹ See e.g. Dkt. 218 at 2 (initially
23 postmarked July 22, 2020 and addressed incorrectly to "312 N. Spring St. Room G-8, Los
24 Angeles, CA 90012"). Likewise, the motion for appointment of counsel appears to have
25 been returned to Gonzalez because it initially lacked sufficient postage. Mot. at 2. These

27 ¹ The Court notes that all paper filings must be submitted to the Clerk of the Court at 255
28 E. Temple Street, Suite 180, Los Angeles, CA 90012-3332.

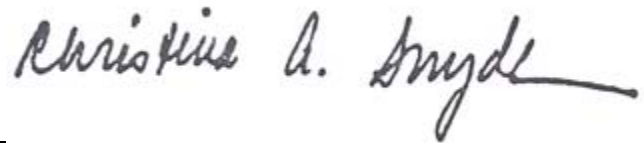
1 clerical errors do not support an inference that Gonzalez's mail has been handled
2 inappropriately or otherwise "obstructed" by prison officials.

3 In any event, Gonzalez has not been prejudiced by any asserted difficulties in filing
4 documents with this Court because the Court has permitted him to resubmit all filings that
5 were returned to him as undeliverable by September 25, 2020. See Dkt. 223. Based on his
6 series of successful filings beginning on August 24, 2020, Gonzalez is clearly now aware
7 of the Court's filing requirements and able to submit any filings that have not yet been
8 received by the Court to the correct mailing address.

9 Accordingly, at this juncture, the Court **DENIES** Gonzalez's motion for
10 appointment of counsel **without prejudice**.

11 **IT IS SO ORDERED.**

12 DATED: September 16, 2020

A handwritten signature in dark ink, reading "Christina A. Snyder", with a long horizontal flourish extending to the right.

CHRISTINA A. SNYDER
UNITED STATES DISTRICT JUDGE